REMARKS

The office action rejects claims 1-3, 5, 7, 13, 14, and 18 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,671,158 to Fournier (the '158 patent). Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '158 patent in view of U.S. Patent No. 6,435,019 to Vojtisek-Lom (the '019 patent). Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '158 patent in view of U.S. Patent Publication No. 2002/0118657 to Winchell (the '657 application). The office action also rejects claims 8, 9, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over the '158 patent in view of Japanese Patent No. 9-251328, and claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over the '158 patent in view of U.S. Patent Publication No. 2003/0159044 to Doyle (the '044 application). Finally claims 6 and 17 were indicated as being allowable if rewritten in independent form to include the base claim and all intervening claims.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 6 and 17 constitute allowable subject matter if rewritten in independent form to include their base claim and all intervening claims.

102(b) Rejection

Independent claim 1 calls for, among other things,

> a base station having respective docking ports for a portable exhaust gas sensor . . . and for an in-vehicle hand portable display device having a data input terminal,
>
> wherein said base station, gas sensor and display device each include a wireless real-time data transmitter and receiver . . ., and
>
> wherein said gas sensor and display device each include power packs to provide the necessary power when they are remote from the base station.

Independent claim 13 calls for, among other things,

> a base station, an exhaust gas sensor, and a hand portable display device having a data input terminal,

wherein said base station, sensor and display device further include at least one of a radio transmitter and receiver whereby data can be transmitted and received therebetween.

Both independent claims 1 and 3 call for the base station, gas sensor and hand portable display device to have at least one of a wireless transmitter and receiver, and for the hand portable display device to have an input terminal. Applicant respectfully traverses the rejection of independent claims 1 and 13 over the '158 patent since the '158 patent fails to teach, disclose or at the very least suggest both a gas sensor and hand portable device having at least one of a wireless transmitter and receiver and the hand portable device having a data input terminal.

The '158 patent discloses an emissions testing device having a base station 14, an exhaust pipe sensor probe 20 and a spark plug sensor wire 35. Referring in particular to Figure 3, exhaust pipe sensor probe 20 connects to base station 14 via a hard-wire and, therefore, does not include at least one of a wireless transmitter and receive as called for in the claims. Additionally, display helmet 19, while being wireless, is not a hand portable display device having a data input terminal as called for in the claims. Instead, the user must enter data via a keyboard 41 that is hard-wired to base station 14 requiring the user to return to the base station (Col. 6, lns. 54 – 58).

The '158 patent seeks to provide a wireless helmet that communicates with the base station and allows the user the ability to view emissions related data remotely from the base station. However, it does not teach, disclose or even suggest providing a wireless exhaust sensor that can be used without long hard-wire leads extending across the work area. Moreover, hard-wire leads require that the base station be located so that the hard-wired exhaust probe can reach the vehicle being tested. Thus, the leads must be very long and cumbersome or the base station must be located out in the testing area. Under the claimed

invention, the wireless exhaust sensor eliminates the need to move the base station to a location close to the vehicle being tested and allows for the base station to be located anywhere in the facility so long as the wireless transmitter and receiver range of the base station, exhaust sensor and display device permit.

Cancellation of Claims 5 and 8

Applicant has cancelled claims 5 and 8 since claim 1 has been amended to include the limitations of claims 5 and 8. The addition of the limitations from claims 5 and 8 further define Applicant's invention.

CONCLUSION

For at least the above reasons, independent claims 1 and 13 are allowable over the '158 patent and are in condition for allowance. Dependent claims 2 - 4, 6 - 7, 9 - 12 and 14 - 20 directly or indirectly depend from independent claims 1 and 13. These dependent claims recite further limitations and are allowable in their respective combinations. Favorable action and withdrawal of the present rejections and objections is, therefore, respectfully requested. The Examiner is invited to call the undersigned at his convenience to resolve any remaining issues. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1196.

Respectfully submitted,

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